

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO,
EASTERN DIVISION**

UNITED STATES OF AMERICA ex rel.	§	CASE NO.: 1:21CV1239
White, et al.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	JUDGE CHARLES E. FLEMING
	§	
RITE AID CORPORATION, et al.,	§	
	§	
Defendants.	§	

RITE AID CORPORATION’S MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(2), Rite Aid Corporation (“RAC”) respectfully moves this Court for an Order dismissing the government’s Controlled Substances Act (“CSA”) and equitable claims against RAC for lack of personal jurisdiction.

Pursuant to Federal Rules of Civil Procedure 12(b)(6), 9(b), and 8(a), RAC moves this Court for an Order dismissing the False Claims Act (“FCA”) claims against RAC. In the event the Court denies RAC’s Federal Rule of Civil Procedure 12(b)(2) arguments, RAC moves this Court, in the alternative, for an Order dismissing the CSA and equitable claims against RAC pursuant to Federal Rules of Civil Procedure 12(b)(6) and 8(a).

RAC refers the Court to the memorandum of law in support and declaration of Susan Lowell for a full statement of the bases for this Motion.

Date: June 12, 2023

Respectfully Submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ Eric W. Sitarchuk
Eric W. Sitarchuk*
John M. Maloy*
1701 Market Street
Philadelphia, PA 19103
Telephone: (215) 963-5840
eric.sitarchuk@morganlewis.com
john.maloy@morganlewis.com

Kelly A. Moore*
101 Park Avenue
New York, NY 10178
Telephone: (212) 309-6612
kelly.moore@morganlewis.com

Daniel M. Finer
One Oxford Centre
Pittsburgh, PA 15219
Telephone: (412) 560-7840
daniel.finer@morganlewis.com

Attorneys for Defendants

* Admitted *pro hac vice*

CERTIFICATE OF SERVICE

I certify that the foregoing document was electronically filed on June 12, 2023 with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all registered users.

/s/ Eric W. Sitarchuk

Eric W. Sitarchuk